

REMARKS**Rejections Relying on 35 U.S.C. § 102(e)**

Applicant notes that references used in support of the rejections rely on 35 U.S.C. § 102(e), either directly or through 35 U.S.C. § 103(a). In responding to the rejections, Applicant does not admit that the references are prior art and Applicant specifically reserves the right to swear behind these references at a future date. However, Applicant contends that the claims are patentably distinct from the cited references.

Amendments to the Claims

Claims 1 and 18 are amended herein to more clearly define the subject matter that Applicant intends to claim. Claim 5 is amended in view of the amendment to claim 1 from which it depends. Applicant contends that the amendments are supported by the Specification as filed and do not constitute new matter.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-4, 8-12 and 15-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Olkkonen et al. (U.S. Patent No. 6,842,460).

Claim 1 is amended to recite, in part, “querying for supplemental information from each of the detected wireless network devices” and “identifying each of the detected wireless network devices that match a selection criteria using the supplemental information.” Applicant contends that at least these limitations are neither taught nor suggested by the cited reference.

Olkkonen et al. purports to utilize network information providers to provide network characteristics to an incoming device. *See*, Olkkonen et al., column 5, lines 2-5 (“In accordance with the invention, when an ad hoc network is initially formed between two short-range wireless devices, the one device assumes the role of an ad hoc network information provider for the new ad hoc network.”). Olkkonen et al. expressly teaches away from querying for supplemental information from each detected wireless network device as required by Applicant’s claim 1. *See*, Olkkonen et al., column 5, lines 28-34 (“If, instead, an ordinary device in an ad hoc network is the first to respond to the inquiry signals of the arriving device, the responding device responds with the address of the ad hoc network

information provider. The arriving device then pages the ad hoc network information provider to obtain information characterizing the ad hoc network.”). Olkkonen et al. only purports to obtain information directly from a network device if it is unaware of the network information provider. *See, e.g.*, Olkkonen et al., column 6, lines 52-66 (“The user's arriving device may encounter a wireless device that does not have knowledge of the information provider feature. The user's device will send its usual service search attribute request asking whether the receiving device is an ad hoc network information provider. When the Un-Aware device receives this service search attribute request, it will not have the requested attribute in its service registry, and thus it will respond with an Error Response. In accordance with the invention, the user's device will recognize this response as an indication that the receiving device is an Un-Aware device. The user's device will then gather whatever information can be derived from the inquiry response received from the Un-Aware device, to including its Class-of-Device (CoD), such as "Fax_Machine" or "Printer.”). This is inconsistent with the limitation that each detected wireless network device be queried for supplemental information.

Claim 12 recites, in part, “querying the wireless network device to determine whether it is of a desired type” and “querying the wireless network device to determine whether it has a desired status.” Applicant contends that Olkkonen et al. fails to teach or suggest at least these limitations. As noted with respect to claim 1, Applicant contends that Olkkonen et al. does not teach or suggest querying wireless network devices to determine whether they are of a desired type and status. In contrast, Olkkonen et al. teaches that an arriving device into one of its ad hoc networks is directed to establish communication with a network information provider to obtain network information. *See*, Olkkonen et al., column 5, lines 28-34 (“If, instead, an ordinary device in an ad hoc network is the first to respond to the inquiry signals of the arriving device, the responding device responds with the address of the ad hoc network information provider. The arriving device then pages the ad hoc network information provider to obtain information characterizing the ad hoc network.”). And Applicant can find no mention of Olkkonen et al. obtaining status information from a network device as that term is used by Applicant in its Specification and claims. Olkkonen et al.’s use of the term “status” appears to be limited to whether or not a device is a network information provider. *Cf.* Olkkonen et al., column 18, lines 34-40 (“If this device is the first slave, then the program writes the device's status of "AD HOC NETWORK INFORMATION PROVIDER" in two places. Step 289 writes this status in the class-of-service (CoD) field 522 of the FHS packet

buffer 515 in FIG. 4B. Then Step 290 writes this status as the attribute 614 in the SDP Service Registry 600 of FIG. 5.”).

In view of the foregoing, Applicant respectfully submits that claims 1 and 12 are patentably distinct from the cited reference. As claims 2-4 and 8-11 include all patentable limitations of claim 1, and claims 15-17 include all patentable limitations of claim 12, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 1-4, 8-12 and 15-17.

Claim Rejections Under 35 U.S.C. § 103

Claims 5-6, 13-14 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Olkkonen et al. (U.S. Patent No. 6,842,460) in view of Dupray (U.S. Pub. 2004/0266457). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Olkkonen et al. (U.S. Patent No. 6,842,460) in view of Terlep et al. (U.S. Patent No. 5,796,777).

Claims 5-6 and 13-14

Applicant contends that it has shown independent claims 1 and 12 to be patentably distinct from the primary reference of Olkkonen et al. The secondary reference of Dupray fails to overcome the deficiencies of the primary reference. Applicant thus contends that claims 1 and 12 are patentably distinct from the cited references, either alone or in combination. As claims 5-6 include all patentable limitations of claim 1 and claims 13-14 include all patentable limitations of claim 12, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 5-6 and 13-14.

Claims 18-20

Claim 18 recites, in part, “for each of one or more transmitting wireless network devices, receiving a signal, wherein the signal has at least one signal quality” and “querying for supplemental information from each wireless network device associated with a received signal.” Applicant contends that the primary reference of Olkkonen et al. fails to teach or suggest at least these limitations. As noted with respect to claim 1, Applicant contends that Olkkonen et al. does not teach or suggest querying each wireless network device associated

with a received signal for supplemental information. In contrast, Olkkonen et al. teaches that an arriving device into one of its ad hoc networks is directed to establish communication with a network information provider to obtain network information. *See*, Olkkonen et al., column 5, lines 28-34 (“If, instead, an ordinary device in an ad hoc network is the first to respond to the inquiry signals of the arriving device, the responding device responds with the address of the ad hoc network information provider. The arriving device then pages the ad hoc network information provider to obtain information characterizing the ad hoc network.”). The secondary reference of Dupray fails to overcome the deficiencies of the primary reference.

In view of the foregoing, Applicant respectfully submits that claim 18 is patentably distinct from the cited references, either alone or in combination. As claims 19-20 include all patentable limitations of claim 18, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 18-20.

Claim 7

Applicant contends that it has shown independent claim 1 to be patentably distinct from the primary reference of Olkkonen et al. The secondary reference of Terlep et al. fails to overcome the deficiencies of the primary reference. Applicant thus contends that claim 1 is patentably distinct from the cited references, either alone or in combination. As claim 7 includes all patentable limitations of claim 1, this claim is also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claim 7.

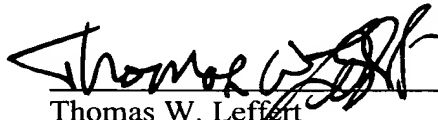
CONCLUSION

Claims 1, 5 and 18 are amended herein. Claims 1-20 are now pending.

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

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